

57-11-11 Rules of division -- Filing advertising material -- Injunctions -- Intervention by division in suits -- General powers of division.

- (1)
 - (a) The division shall prescribe reasonable rules which shall be adopted, amended, or repealed only after a public hearing.
 - (b) The division shall:
 - (i) publish notice of the public hearing described in Subsection (1)(a):
 - (A) once in a newspaper or newspapers with statewide circulation and at least 20 days before the hearing; and
 - (B) on the Utah Public Notice Website created in Section 63F-1-701, for at least 20 days before the hearing; and
 - (ii) send a notice to a nonprofit organization which files a written request for notice with the division at least 20 days prior to the hearing.
- (2) The rules shall include but need not be limited to:
 - (a) provisions for advertising standards to assure full and fair disclosure; and
 - (b) provisions for escrow or trust agreements, performance bonds, or other means reasonably necessary to assure that all improvements referred to in the application for registration and advertising will be completed and that purchasers will receive the interest in land contracted for.
- (3) These provisions, however, shall not be required if the city or county in which the subdivision is located requires similar means of assurance of a nature and in an amount no less adequate than is required under said rules:
 - (a) provisions for operating procedures;
 - (b) provisions for a shortened form of registration in cases where the division determines that the purposes of this act do not require a subdivision to be registered pursuant to an application containing all the information required by Section 57-11-6 or do not require that the public offering statement contain all the information required by Section 57-11-7; and
 - (c) other rules necessary and proper to accomplish the purpose of this chapter.
- (4) The division by rule or order, after reasonable notice, may require the filing of advertising material relating to subdivided lands prior to its distribution, provided that the division must approve or reject any advertising material within 15 days from the receipt thereof or the material shall be considered approved.
- (5) If it appears that a person has engaged or is about to engage in an act or practice constituting a violation of a provision of this chapter or a rule or order hereunder, the agency, with or without prior administrative proceedings, may bring an action in the district court of the district where said person maintains his residence or a place of business or where said act or practice has occurred or is about to occur, to enjoin the acts or practices and to enforce compliance with this chapter or any rule or order hereunder. Upon proper showing, injunctive relief or temporary restraining orders shall be granted, and a receiver or conservator may be appointed. The division shall not be required to post a bond in any court proceedings.
- (6) The division shall be allowed to intervene in a suit involving subdivided lands, either as a party or as an amicus curiae, where it appears that the interpretation or constitutionality of any provision of law will be called into question. In any suit by or against a subdivider involving subdivided lands, the subdivider promptly shall furnish the agency notice of the suit and copies of all pleadings. Failure to do so may, in the discretion of the division, constitute grounds for the division withholding any approval required by this chapter.
- (7) The division may:
 - (a) accept registrations filed in other states or with the federal government;

- (b) contract with public agencies or qualified private persons in this state or other jurisdictions to perform investigative functions; and
 - (c) accept grants-in-aid from any source.
- (8) The division shall cooperate with similar agencies in other jurisdictions to establish uniform filing procedures and forms, uniform public offering statements, advertising standards, rules, and common administrative practices.

Amended by Chapter 340, 2011 General Session